

## **Notice of Hearing**

The Department of Veterans Affairs announces that it will hold a public hearing on a permanent rule. Chapter VA 13 will be amended to distinguish the Aid to Indigent Veterans program from the Department's programs to provide transitional housing and supportive service to homeless veterans and those at risk of becoming homeless, currently named the Veterans Assistance program, but which will be renamed Veterans Housing and Recovery Program. The hearing will be held at the time and place shown below.

### **Hearing Information**

Date: September 22, 2016

Time: 9:30 a.m.

Location: 201 W Washington Avenue  
First Floor, WHEDA Conference Room  
Madison, WI 53703

### **Accessibility**

Hearing impaired persons may request an interpreter for this hearing. Please make reservations for a hearing interpreter by September 17, 2016, by writing to Kelly Brady, Wisconsin Department of Veterans Affairs, 201 W. Washington Ave., P.O. Box 7843, Madison, WI 53703; or by emailing [Kelly.Brady@DVA.Wisconsin.gov](mailto:Kelly.Brady@DVA.Wisconsin.gov); or by telephone at (608) 266-7916. The hearing facility is accessible to disabled users.

### **Appearances at the Hearing and Submittal of Written Comments**

You may obtain a free copy of this hearing draft rule and related documents including the Fiscal Estimate and Economic Impact Analysis by contacting the Wisconsin Department of Veterans Affairs, 201 W. Washington Ave., P.O. Box 7843, Madison, WI 53703. You may also obtain a copy by calling (608) 266-7916 or by emailing [kelly.brady@dva.wisconsin.gov](mailto:kelly.brady@dva.wisconsin.gov). Copies will be available at the hearing. You may view the hearing draft rule online at:

<http://docs-preview.legis.wisconsin.gov/code/comment>.

Comments must be received by close of business on the day of the hearing.

### **Initial Regulatory Flexibility Analysis**

The proposed rule will not have an effect on small businesses, as defined under s. 227.114 (1).

## **Analysis Prepared by the Department of Veterans Affairs**

1. Statute interpreted: Section 45.43, Stats.

2. Statutory authority: Sections 227.10 (1) and (2m), 227.11 (2) (a), and 45.03 (2).

3. Explanation of agency authority:

Section 227.10 (1), Stats., requires each department to promulgate as a rule each statement of general policy and each interpretation of a statute which it specifically adopts to govern its enforcement or administration of that statute. Further, subsection (2m) requires rule promulgation before a department may implement or enforce any standard, requirement, or threshold.

Section 227.11 (2) (a), Stats., authorizes the department to promulgate rules interpreting the provisions of any statute enforced or administered by the department, if the department considers it necessary to effectuate the purpose of the statute.

Section 45.03 (2), Stats., authorizes the Secretary to promulgate rules necessary to carry out the purposes of Chapter 45 and the powers and duties conferred upon it.

4. Related statute or rule:

Section 45.43 directs department to administer a program to provide assistance to veterans whose need for services is based upon homelessness, incarceration, or other circumstances designated by the department by rule.

Existing sections of Chapter VA 13 do not clearly distinguish the AIV program from the program by which the department provides transitional housing and supportive service to homeless veterans, or those veterans at risk of becoming homeless, currently named Veterans Assistance program, which will be renamed Veterans Housing and Recovery Program by the proposed rule.

5. Plain language analysis:

The proposed rule change relates to the two programs within the Veterans Assistance Program.

Aid to Indigent Veterans (AIV): The Legislative Audit Bureau (Report 11-3) recommended the Department promulgate rules to: (1) establish clear eligibility requirements, including any type and amount of assets to be excluded from eligibility determinations; (2) establish a policy on divestment, including requiring applicants to provide sufficient documentation for determining whether the timing and nature of any asset transfers, including the establishment of trusts, is allowable; (3) clearly define any limits on the amounts and types of life insurance and burial assets that are exempt, and require applicants to provide sufficient documentation to assess them; and (4) require Union Grove staff to verify financial information provided at the time of application to the assisted living facilities, and annually thereafter.

Additionally, the rule will more clearly distinguish the AIV program from the program by which the Department provides transitional housing and supportive services to homeless veterans, or those veterans at risk of becoming homeless, currently named the Veterans Assistance Program (VAP) which will be renamed Veterans Housing and Recovery Program (VHRP) by the proposed rule.

6. Summary of and comparison with, existing or proposed federal regulations.

There is no existing or proposed federal regulation that addresses the AIV activities affected by the proposed rule. Federal regulations applicable to the VHRP are not implicated by the changes in the proposed rule.

7. Comparison with rules in adjacent states:

In reviewing the statutes, rules and websites of veterans departments of adjacent states reveals no similar housing program

8. Summary of factual data and analytical methodologies:

The Department analyzed the current policies of the two programs within the Veterans Assistance Program and used those policies as a foundation for the rule changes.

9. Analysis and supporting documents used to determine effect on small business or in preparation of economic impact report:

This rule codifies existing departmental policies and has no effect on small businesses.

10. Fiscal Estimate:

The proposed rule changes will have no additional fiscal impact.

11. Effect on small business:

The proposed rule changes will have no impact on small businesses.

12. Comments and opinions prepared by the Board of Veterans Affairs:

The Board of Veterans Affairs met telephonically May 1, 2015 to discuss and take action on the draft administrative rule for the administration of Chapter VA 13, Veterans Assistance Program and unanimously voted to approve adopting the proposed language.

13. Agency contact person and place where comments are to be submitted and deadline for submission:

The public record on this proposed rule-making will be held open until close of business the day of the hearing to permit the submission of comments in lieu of public hearing testimony, or comments supplementing testimony offered at the hearing.

Prior to September 1, 2016, comments on proposed rules should be sent to:

Kelly Brady, paralegal  
Office of Legal Counsel  
Department of Veterans Affairs  
201 W Washington Avenue  
PO Box 7843  
Madison, WI 53707-7843  
Phone: 608-266-0518  
Email: Kelly.Brady@dva.wisconsin.gov.

Comments on proposed administrative rules will be accepted through the Legislature's website at <http://docs.legis.wisconsin.gov/code/comment>. All submitted comments will be sent to the appropriate agency rules coordinators. It is necessary to include your contact information in your submitted comments if you wish to receive a response.